

Decision Memo

Issuance of Outfitter/Guide Permits for Metaphysical Activities

Red Rock Ranger District
Coconino National Forest
Yavapai and Coconino Counties, Arizona

1.0 Introduction

In the fall of 2010 the Red Rock Ranger District issued a prospectus soliciting proposals for metaphysical outfitting and guiding. Nine proposals were received. The prospectus evaluation panel, comprised of neutral parties, recommended issuing use to five of the applicants, based on the rankings resulting from the applicants' responses to the prospectus evaluation criteria. The District staff and District Ranger concurred with this recommendation.

2.0 Purpose and Need

In 2009 the District completed a needs assessment and recreation capacity analysis. The results indicated that there was a need for additional commercial metaphysical opportunities. The District determined that issuing four new outfitter/guide permits for this activity would meet the public need while keeping total use levels within capacity limits.

However, evaluation of the applications resulted in a large gap in scores between the top 5 and the bottom 4 applicants. Because the total use requested by the top 5 applicants did not significantly exceed the prospectus offering, the District decided to issue five new permits. Since this time, one of the applicants requested their application to be withdrawn.

The purpose of this action is to issue four new outfitter/guide permits for metaphysical activities.

3.0 Conformance with Land Management Plan

This decision is in compliance with the following Land Management Plan:

Land Management Plan Conformance	
<i>Name of Plan</i>	<i>Coconino National Forest Plan Amendment 12</i>
<i>Date Published</i>	<i>1998</i>
<i>Page</i>	<i>Replacement Pages 206-7 to 206-57</i>
<i>Type of Language</i>	<i>Forest Goal for Recreation and Commercial Recreation Uses</i>

The Red Rock Ranger District has reviewed each proposal to ensure compliance with Forest Plan goals and objectives. While direction is located throughout Amendment 12, the proposed use

most specifically complies with the Forest Goals for Commercial Uses as outlined on Replacement Page 206-26:

- Commercial activities occur during times and in locations consistent with the needs of National Forest users and area residents.
- Commercial activities are consistent with Sedona/Oak Creek Ecosystem goals.
- Commercial tours are consistent with each management area's emphasis, ROS objectives and community goals.
- Commercial tours support the Forest Service mission by providing high-quality outdoor recreational, educational and interpretive opportunities consistent with Sedona/Oak Creek Ecosystem goals.
- Commercial uses are conducted in a way that sustains long-term soil productivity, properly functioning ecosystems and riparian functions.

4.0 Description of Decision

4.1 Decision to Issue

I have decided to issue four new priority use permits for guided metaphysical activities to the operators listed in Table 1 below, in the amounts listed. These permits shall, in accordance with policy, be issued for a term of two years, with the potential to be extended for another eight years. After that, they will be reissued for terms of 10 years.

Use will be issued in terms of trips. A trip is defined as one guide plus up to six clients.

Table 1. Permittees and Amounts of Use

Company	Trips per year
Sedona Metaphysical and Spiritual Association	1,700
Sedona Red Rock Tours	860
Sedona Spiritual Journeys	440
Spirit Quest Sedona Retreats	1,000

It is also part of my decision that the one company that is also a SMSA member - Sedona Red Rock Tours - may not operate under both permits. They shall operate under their own permit only, not SMSA's.

4.2 Design Features

An interdisciplinary team of specialists analyzed this action for impacts to natural and cultural resources. They raised some concerns, which can be reduced through minor changes to permits or by the addition of design features. Therefore, as part of the Decision, I am implementing the following design features to address these concerns. These features will be incorporated into permits and/or operating plans upon reissuance.

Social Environment/Recreation Experience/Scenery

The Red Rock Ranger District receives heavy recreational use by both guided and unguided visitors. To prevent degradation in recreation experience and scenic quality, the following guidelines are made part of this decision.

Only one group may be present on a trail or location at one time. Each permittee is authorized a maximum of one trip per day, per location. No more than one vehicle will be used for each trip to transport the group to designated parking locations.

Parking at trailhead lots will be monitored. If the Forest Service determines there are conflicts between outfitter/guide parking and other users (e.g., overcrowding and displacement), the Forest Service may implement measures to reduce these conflicts. Permittees will be required to abide by these measures as part of the terms and conditions of their permits.

Wildlife

1. Peregrine Falcon Nest at Coffee Pot Rock

No noise-making activities (including but not limited to singing, chanting, and use of instruments such as Tibetan singing bowls, flutes, drums, rattles, rain sticks, tuning forks) within ¼ mile (1320 feet) of the Coffee Pot peregrine falcon eyrie between March 1 and August 31.

2. Peregrine Falcon Nest and Bat Roost at Cathedral Rock

Metaphysical outfitter/guide access will be permitted to the first bench only to avoid line-of-site disturbance to peregrines in their nest and noise disturbance to roosting bats.

3. Common blackhawks along Oak Creek

No noise-making activities (including but not limited to singing, chanting, and use of instruments such as Tibetan singing bowls, flutes, drums, rattles, rain sticks, tuning forks) within 200 meters (~660 feet) of Oak Creek during the breeding season (between March 15 and July 31). Except for these activities, no restrictions are imposed at this time for permitted activities on designated trails within the riparian zone. Periodic monitoring will occur to determine nesting status. Restrictions during the breeding season may be warranted based on monitoring results. For example, should blackhawks nest within 200 meters of permitted activities, permitted activities will be suspended during the breeding season.

4. **Yellow-billed cuckoos along Oak Creek**

No noise-making activities (including but not limited to singing, chanting, and use of instruments such as Tibetan singing bowls, flutes, drums, rattles, rain sticks, tuning forks) within 200 meters (~660 feet) of Oak Creek during the breeding season (between June 1 and August 31). Except for these activities, no restrictions are imposed at this time for permitted activities on designated trails within the riparian zone. Periodic monitoring will occur to determine nesting status. Restrictions during the breeding season may be warranted based on monitoring results. For example, should cuckoos nest within 200 meters of permitted activities, permitted activities will be suspended during the breeding season.

5. **Various Aquatic Species in Oak Creek**

Crossings of perennial streams are not permitted except at designated trails such as Huckaby and Casner Canyon. Outfitter/guides must work with the Forest Service to maintain armored crossings (boulder “stepping stones” or footbridges) over Oak Creek. This will avoid disturbing the creek bed and immediate riparian and aquatic vegetation in Oak Creek. If permitted trails near perennial streams contribute obvious sediment transport to perennial streams, guides must report these problem areas to the Forest Service. In addition, guides must report crossings over intermittent streams if the trail seems to be eroding or funneling sediment into the channel.

6. **Education Regarding Riparian and Aquatic Species**

Guides will be required to attend Forest Service training and to provide that education to their customers about aquatic species (fish, herps, crayfish), riparian nesting birds and other riparian dependent species, and the effects of recreational activities on these species and their habitat.

7. **Biological Crusts**

All outfitter/guides will be required to obtain Forest Service training on biological crusts and to provide this education to their customers.

8. **Feathers**

Outfitter/guides are not permitted to pick up feathers from any bird species, unless the appropriate federal permits are obtained.

Soils/Watershed

Some off-trail use will be authorized under these permits. Permittees may only go to those sites identified on their permit maps. Off-trail use in any other locations will be considered a violation of the terms and conditions of the permit. Use of trails during wet-weather conditions when trail damage is likely will be avoided.

Archaeology/Cultural Resources

A majority of the routes and locations requested by the applicants do follow system trails or are within developed recreation sites. Therefore, only those routes and locations not along a system trail or within a developed recreation site were surveyed for this project. In either case, no archaeological sites or other cultural resources would be included as permitted locations for metaphysical tour services.

Tribal consultation for this project was initiated on March 7, 2012 via a formal letter sent to all of the tribes with cultural ties to the Sedona area. The Hopi Tribe responded on March 16, 2012 expressing some concerns related to differentiating between “a truly metaphysical experience” as opposed to “New Age tourism”. The Tribe also recommended that the Forest Service not permit tours incorporating corrupted Native American traditions provided by non-Native people. Despite these concerns, the Tribe did support managing these activities and determined that permitting these tours would be unlikely to affect cultural resources significant to the Hopi Tribe.

Following this response, the District received a request from the Hopi Cultural Preservation Office to schedule a meeting between representatives from the Tribe, the prospective permittees, and the Forest Service to discuss the Tribe’s concerns in greater detail, and to give the Tribe a chance to hear from the permittees directly as to their thoughts on the meaning of metaphysical experiences. This meeting took place on December 5, 2012. No specific additional concerns were raised by the Tribe at that meeting, although plans for additional future discussions/trainings between the Tribe and permittees was discussed and agreed to. Setting an actual date was deferred until a later time.

5.0 Reasons for Categorically Excluding the Decision

5.1 Category of Exclusion

This action is categorically excluded from documentation in an environmental impact statement (EIS) or an environmental assessment (EA), as identified 36 CFR 220.6 e (3):

Approval, modification, or continuation of minor special uses of NFS lands that require less than five contiguous acres of land.

5.2 Relationship to Extraordinary Circumstances

Federally listed threatened or endangered species, or designated critical habitat, species proposed for Federal listing or proposed critical habitat, or Forest Service Sensitive Species.

A wildlife biologist has determined that no threatened, endangered, or proposed plants, fish, amphibians, reptiles, birds, mammals, or invertebrates will be adversely affected by the project. While such species may be present within the project area, the potential impacts will be

mitigated through adjustments to permittee operating plans and by educating permitted outfitter/guides on these subjects.

Floodplains, Wetlands, or Municipal Watersheds

A hydrologist determined there are no floodplains or municipal supply watersheds in the project area. There are no wetlands in the project area.

Congressionally Designated Areas (wilderness, wilderness study areas, or national recreation areas)

Limited use is authorized in designated Wilderness, at Bell Rock. However, Amendment 12 to the Coconino Forest Plan recognizes inconsistencies with the Primitive attributes prescribed by Congress at locations such as Bell Rock. One objective of the plan is to use popular locations such as Bell Rock as opportunities to inform visitors about Wilderness. Having permitted outfitter-guides at such locations can serve to meet this objective. There are no national recreation areas within the project area.

Inventoried Roadless Areas or Potential Wilderness Areas

There are no inventoried Roadless areas or potential Wilderness in the project area.

Research Natural Areas

There are no Research Natural Areas within the project area.

American Indians and Alaska Native Religious or Cultural Sites

This action will not authorize outfitter/guide use at cultural sites.

Archeological sites, or historic properties or areas

This action will not authorize outfitter/guide use at cultural sites.

Based on clearances prepared by resource specialists and my familiarity with the area involved and projects similar in nature, I have determined that there are no extraordinary circumstances that would warrant further analysis and documentation in an EA or EIS.

6.0 Scoping and Public Involvement

Public scoping was initiated on April 11, 2012, by sending an email to a list of interested parties and posting the information on the Coconino National Forest Website

(<http://www.fs.usda.gov/detail/coconino/passes-permits/event-commercial/?cid=stelprdb5307972>). This project has also appeared on the Forest's Schedule of Proposed Actions for the last year. For this project, the scoping period was run concurrently with the 30-day public comment period on the proposed action. A legal notice initiating the comment period was published in the Red Rock News on April 11, 2012.

No scoping comments were received and no comments on the proposed action were received. Therefore, this decision is not subject to appeal.

This project was scoped internally among the interdisciplinary team and did not result in the identification of issues that would require analysis in an EA or EIS.

7.0 Findings Required by Other Laws

Endangered Species Act (1973)

A Biological Evaluation has been completed for this action, which indicates that no Federally listed threatened or endangered species will be adversely affected by this activity.

National Historic Preservation Act (1966)

The Forest Service program for compliance with the National Historic Preservation Act includes locating, inventorying and nominating all cultural sites that may be directly or indirectly affected by scheduled activities. This activity has been reviewed by a qualified archeologist and a determination made that no known cultural resources will be adversely affected by this activity.

Floodplain Management (E.O. 11988), Protection of Wetlands (E.O. 11990)

This activity will not impact the functional value of any floodplain as defined by Executive Order 11988 and will not have negative impacts on wetlands as defined by Executive Order 11990.

Environmental Justice (E.O. 12898)

I have determined that, in accordance with Executive Order 12898, this project does not have disproportionately high and adverse human health or environmental effects on minority populations and low income populations.

Clean Water Act

Based on discussions with the IDT concerning hydrology and the mitigation measures developed, this decision is consistent with the Clean Water Act and amendments. No permits are required for implementation of the decision.

Clean Air Act

This decision is in compliance with the Clean Air Act, which defines the National Ambient Air Quality Standards (NAAQS) for various sources of pollutants that must be met to protect human health and welfare, including visibility.

8.0 Implementation Date

This decision will be implemented immediately upon signature.

9.0 Administrative Review or Appeal Opportunities

The 30-day comment period for this project ended on May 11, 2012. Since no substantive comments expressing concerns were received, this decision is not subject to appeal (36 CFR 215.12).

10.0 Contact Person

For additional information on the project, please contact:

Jeff Gilmore
Recreation Special Uses Permit Administrator
Red Rock Ranger District
P.O. Box 20429
Sedona, AZ 86431
928-203-7525
jlgilmore@fs.fed.us

11.0 Responsible Official's Decision

As the Responsible Official, it is my decision to implement the actions as described in this Decision Memo.

/s/ Heather C. Provencio

Heather C. Provencio
District Ranger, Red Rock Ranger District

February 25, 2013

Date

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).

USDA is an equal opportunity provider and employer.